

The Patient Choice and Control at End of Life Act

Frequently Asked Questions

We recommend reading all the questions and answers. This information is provided as a courtesy and not intended as legal advice. Consult your physician and attorney.

What is the Patient Choice and Control at End of Life Act?

The Patient Choice and Control at End of Life Act (Act 39 of the 2013 Vermont General Assembly), provides eligible Vermont residents with terminal diseases the option to be prescribed a dose of medication that, if taken, will hasten the end of their life. This option requires the participation of a Vermont-licensed physician.

Who is eligible to participate?

Vermont residents who are suffering from an incurable and irreversible disease that would, within reasonable medical judgment, result in death within six months. The patient must be capable of making a voluntary, informed health care decision, and can self-administer the prescribed dose. [See the text of the law for more details.](#)

How does the law work?

Until 2016, the Act lays out a step-by-step process for a patient and doctor to follow. It begins with a diagnoses and prognosis of a terminal and incurable illness that will, within medical judgment, take place within six months. Once that determination has been made, a patient may make an oral request of his or her physician to be prescribed a dose of medication that, if taken, would hasten death. The process requires, among other things, both oral and written requests, witnesses, and the second opinion of a physician. Every step must be voluntary by both the patient and the physician. [See the text of the law for more details.](#)

In 2016, the step-by-step process sunsets, and a new law takes effects that provides legal protections for patients and physicians choosing to discuss and/or pursue hastening death by means of a prescribed dose of medication.

What makes someone a Vermont resident?

The Act does not specify what qualifies a person as a resident: it is up to the patient's physician to make that determination. Factors demonstrating residency include, but are not limited to 1) Possession of a Vermont driver's license; 2) Registration to vote in Vermont; 3) Evidence that a person leases/owns property in Vermont; or 4) Filing of a Vermont tax return for the most recent tax year.

Is there a standard form for the written request?

Act 39 does not mandate any particular form for the written request. The Vermont Department of Health website has developed a form which may be used for this provision of the law which both providers and patients may find helpful.

http://healthvermont.gov/family/end_of_life_care/documents/End_of_Life_Choice_patient_medication_request_form.pdf

What does a patient do if he or she chooses not to use the prescribed dose?

Those persons who choose not to ingest a prescribed dose, or those in possession of any portion of the unused dose, must dispose of the dose in a legal manner as determined by the Drug Enforcement Agency. See the website below and consult your pharmacist for more information.

<http://www.fda.gov/forconsumers/consumerupdates/ucm101653.htm>

Do doctors have to tell patients about this option?

Under Act 39 and the Patient's Bill of Rights, a patient has the right to be informed of all options for care and treatment in order to make a fully-informed choice. If a doctor is unwilling to inform a patient, he or she must make a referral or otherwise arrange for the patient to receive all relevant information.

Are all doctors, nurses and pharmacists required to participate in Act 39?

No. Participation by any health care professional is completely voluntary.

How do you know if your doctor will participate in the Act 39?

Make an appointment to talk to your doctor about your end-of-life goals and concerns, including the option available under Act 39.

Who will be providing accountability and oversight for implementation of Act 39?

The legislature did not vest any government Agency with oversight of the Act. The Department of Health is charged with collecting forms provided by participating physicians. Alleged abuses under the law would be investigated by the relevant licensing board, the State's Attorneys Office, and/or the Vermont Attorney General's Office.

How will this impact life insurance policies?

Act 39 prohibits a life insurance company from denying benefits to individuals who act in accordance with Act 39.

Are there immunity and liability protections for physicians who participate?

Yes. A prescribing physician who follows all of the steps required by Act 39 – including documenting them and filing that documentation with the Department of Health – is immune from civil and criminal liability or professional disciplinary action. [*See the text of the law for more details.*](#)

What are the reporting requirements and what will be done with the information?

The Act requires only that the prescribing physician provide a written report to the Health Department documenting that all the required steps have been taken. This information will be protected under state and federal privacy laws.

Who can prescribe this medication?

Any physician who is licensed to practice medicine in Vermont under [26 V.S.A. chapter 23](#) or [33](#). That includes physicians with MD and DO degrees. Act 39 does not extend to other prescribers such as advanced-practice registered nurses and physician assistants.

Where can I find more information?

The Vermont Ethics Network: <http://www.vtethicsnetwork.org/pad.html> or 802-828-2909

Patient Choices Vermont: www.patientchoices.org or 802-985-9473

Compassion & Choices : <http://www.compassionandchoices.org/> or 1-800-247-7421